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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session
Item 12 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 1998 and 1 June 1999 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the fifty-first session of the Sub-Commission (E/CN.4/Sub.2/1999/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 1999, 137 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date 144 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights and 95 States had ratified or acceded to the Optional Protocol to the latter Covenant. On 5 January 1999, the Government of Guyana notified the Secretary-General of its decision to denounce the Optional Protocol. In accordance with article 12 of the Protocol, the denunciation of Guyana took effect on 5 April 1999. Additionally, the Government of Guyana submitted an instrument of reaccession to the Protocol with reservations on 5 January 1999, which took effect on 5 April 1999, the same day as its denunciation. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 45 States had made the declaration envisaged under that provision of the Covenant.

Human Rights Committee

3. At its sixty-third, sixty-fourth and sixty-fifth sessions, held in July and October-November 1998 and March-April 1999 respectively, the Committee considered 16 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

4. At the three sessions, the Committee also adopted 31 views under article 5, paragraph 4 of the Optional Protocol to the Covenant, 15 decisions declaring complaints admissible and 16 decisions declaring complaints inadmissible. Five cases were discontinued without the Committee issuing a formal decision.

5. A report on the Committee's sixty-first to sixty-third sessions was submitted to the General Assembly at its fifty-third session (A/53/40) and a report on its sixty-fourth to sixty-sixth sessions will be submitted to the General Assembly following the Committee's sixty-sixth session in July 1999.

Committee on Economic, Social and Cultural Rights

6. At its nineteenth and twentieth sessions, held in November-December 1998 and in April-May 1999 respectively, the Committee considered reports submitted by nine States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, as well as the situation in one country in the absence of a report from that State party. The Committee subsequently adopted its concluding observations thereon.

7. At its nineteenth session, on 30 November 1998, the Committee devoted a day of general discussion to the right to education as enshrined in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights. Representatives of United Nations organs and specialized agencies (UNESCO, UNICEF and UNDP), individual experts and representatives of NGOs attended the meeting as participants. Numerous observers also followed the debate. A considerable number of background papers were made available to Committee experts (E/C.12/1998/11 and 13-23). At the invitation of the Committee, Ms. Katarina Tomasevski, the Special Rapporteur of the Commission on Human Rights on the right to education and Mr. Mustapha Mehedi, a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities participated in the day of general discussion.

8. The debate covered the following topics:

Education as a human right and the right to education in relation to indivisibility of human rights;

Cooperation among specialized agencies and organs of the United Nations, including the human rights treaty bodies; partnership to realize the right to education;

Relevance of the normative approach;

Core content of the right to education;

Nature of States' obligations, indicators and benchmarks;

Financial aspects.

9. Given the importance of the issues discussed, the Committee requested the Office of the High Commissioner for Human Rights (OHCHR) to consider the possibility of organizing a workshop to identify key right to education benchmarks and indicators which might be utilized by the Committee and by other United Nations treaty bodies and human rights organs, and United Nations specialized agencies and programmes. The workshop participants should include representatives of the Committee, the Committee on the Rights of the Child, CEDAW, CERD, the Human Rights Committee, the Commission on Human Rights and its Sub-Commission, UNESCO, UNICEF, WHO, UNDP and the World Bank. The Committee considered that such a workshop might be the first of a series of meetings designed to identify key benchmarks and indicators in relation to each of the rights in the Covenant.

10. At its twentieth session, the Committee, following up on a decision taken at its previous session within the framework of its day of general discussion on the right to education, by which it recommended that OHCHR consider the possibility of organizing a workshop on indicators for the right to education, discussed and adopted a "Proposal for a workshop on indicators, benchmarks and the right to education."

11. In response to a letter from the President of the Economic and Social Council transmitting Council decision 1998/293 for the Committee's consideration and action, the Committee reconsidered its requests (draft decisions I-IV) made during its sixteenth session in 1996. It resolved to proceed with only one request, to which it accorded the highest priority - to be granted a third regular session per year - and recommended a draft decision to the Economic and Social Council for adoption at its substantive session of 1999.

12. Also at its nineteenth session, the Committee adopted General Comments No. 9 (1998) on the domestic application of the Covenant and No. 10 (1998) on the role of the national human rights institutions in the protection of economic, social and cultural rights. At its twentieth session, as a follow-up to the days of general discussion on the right to education and on the right to food, the Committee adopted General Comments No. 11 on plans of action for primary education (article 14 of the Covenant) and No. 12 on the right to adequate food (article 11 of the Covenant).

13. The Committee's report on its eighteenth and nineteenth sessions (E/1999/22-E/C.12/1998/26) and extracts from the Committee's report on its twentieth session will be before the Economic and Social Council at its substantive session in July 1999.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

14. As at 1 June 1999, 154 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

15. During its fifty-third and fifty-fourth sessions, held in August 1998 and March 1999 respectively, the Committee considered reports submitted by 22 States parties to the Convention, three of which were special reports. Additionally, the Committee reviewed the application of the Convention in two States parties whose reports were seriously overdue. Under its early-warning and urgent procedures, the Committee adopted six decisions at its fifty-third session and five decisions at its fifty-fourth session.

16. The Committee discussed the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at each of its sessions. At its fifty-third session, the Committee adopted decision 9 (53), in which it indicated its preliminary ideas concerning topics that could be included in the agenda of the World Conference. The Committee also adopted two organizational decisions: decision 7 (53), in which it requested that one of its two annual sessions be extended by five working days, and decision 8 (53), in which it requested that it be permitted to hold its winter sessions in New York annually.

General Assembly

17. A report on the Committee's fifty-second and fifty-third sessions was submitted to the General Assembly at its fifty-third session (A/53/18) and a report on the Committee s fifty-fourth and fifty-fifth sessions will be submitted to the General Assembly at its fifty-fourth session following the Committee's fifty-fifth session in August 1999.

18. At its fifty-third session, the General Assembly adopted resolution 53/131, of 9 December 1998, concerning the report of the Committee on the Elimination of Racial Discrimination, in which it called upon all States that had not yet ratified or acceded to the Convention to do so as soon as possible; requested the Secretary-General to invite all States parties that were in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention; commended the Committee for its continuing contribution to the prevention of racial discrimination; and welcomed and encouraged the cooperation and exchange of information of the Committee with relevant structures and mechanisms of the United Nations, including with the Office of the United Nations High Commissioner for Human Rights. The Assembly also expressed its concern at the number of reports that were overdue and encouraged the United Nations Secretariat to extend technical assistance to those States whose reports were seriously overdue, upon their request, for the preparation of reports.

19. The Assembly took note of the initial suggestion made by the Committee in its decision 9 (53) regarding the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invited the Committee to give high priority to the preparatory process for the World Conference.

20. The Assembly also took note of Committee decisions 7 (53) and 8 (53) regarding organizational matters and decided to extend, on a temporary basis, the Committee's summer session of 1999 and 2000 by five working days and to consider the two decisions further at its fifty-fifth session.

Commission on Human Rights

21. At its fifty-fifth session, the Commission on Human Rights adopted resolution 1999/78 on 28 April 1999, in which it addressed, inter alia, the International Convention on the Elimination of Racial Discrimination. The Commission on Human Rights appealed to States that had not yet done so to consider ratifying or acceding to the Convention; recommended that the issue of universal ratification of the Convention, as well as reservations thereto, and the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; called upon States parties that had not submitted initial or periodic reports in accordance with article 9 of the Convention to do so; urged States parties to limit the extent of any reservations they lodged to the Convention; called upon States parties to the Convention to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance; requested States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention; and invited States parties to ratify the amendment to article 8 of the Convention dealing with the financing of the Committee.

22. The Commission also took note of decision 9 (53), which contains the Committee's initial suggestions on topics that could be included in the agenda for the World Conference, and of the six studies prepared by individual Committee members and submitted to the sessional open-ended working group to review and formulate proposals for the World Conference. The Commission on Human Rights again invited the Committee on the Elimination of Racial Discrimination to participate actively in the preparatory process for the World Conference.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

23. As at 1 June 1999, the Convention had been ratified or acceded to by 114 States.

Committee against Torture

24. The Committee submitted a report on its nineteenth and twentieth sessions to the General Assembly at its fifty-third session (A/53/44). At its twenty-first and twenty-second sessions, held from 9 to 20 November 1998 and from 26 April to 14 May 1999, respectively, the Committee against Torture considered 16 reports submitted by the States parties under article 19 of the Convention. It also continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. At its two sessions, the Committee considered a total of 19 communications. It took decisions to declare four communications admissible and three inadmissible. In addition, the Committee adopted views in respect of 11 communications and discontinued 18 communications. A report on the Committee's twenty-first and twenty-second sessions will be submitted to the General Assembly at its fifty-fourth session.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

25. At its nineteenth, twentieth and twenty-first sessions, held in September-October 1998 and January and May-June 1999 respectively, the Committee considered 11 initial and 5 periodic reports submitted under article 44 of the Convention on the Rights of the Child.

26. During its nineteenth session, the Committee decided to devote one day of discussion to the issue of children living in a world with HIV/AIDS. Representatives of United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, and children contributed to the discussion and provided expert advice.

27. At its twentieth session, taking into account the commemoration of the tenth anniversary of the adoption by the General Assembly of the Convention on the Rights of the Child in 1989, the Committee exceptionally decided to postpone its next thematic debate to 2000 and instead agreed to co-organize, with the Office of the High Commissioner for Human Rights, a two-day meeting entitled "The Convention on the Rights of the Child: a decade of achievements and challenges". The meeting is scheduled to take place during the Committee's twenty-second session, on 30 September and 1 October 1999.

28. The working group on the rights of children with disabilities, established as an outcome of the day of general discussion on children with disabilities (1997), held its first and second meetings respectively on 23 and 24 January and on 29 and 30 May 1999. A member of the Committee attended both meetings.

General Assembly

29. At its fifty-third session, the General Assembly, in its resolution 53/128 took note of the report of the Committee on the Rights of the Child and recognized its important role in creating awareness of the Convention and providing recommendations to States parties on its implementation; called upon States parties to take appropriate measures so that acceptance of the amendment to the Convention on the Rights of the Child by a two-thirds majority of States parties could be reached as soon as possible; called upon States parties to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention; and further called upon States parties, in accordance with their obligations under article 42, to make the principles and provisions of the Convention widely known to adults and children alike. It also requested the Secretary-General to submit to the Assembly at its fifty-fourth session a report on the rights of the child, containing information on the status of the Convention and the problems addressed in the resolution, which focused, among other things, on children with disabilities, the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography, the protection of children affected by armed conflict, refugee and internally displaced children, the elimination of the exploitation of child labour and the plight of children living and/or working on the streets.

Commission on Human Rights

30. The Commission, at its fifty-fifth session, adopted resolution 1999/80 on the rights of the child, in which it addressed among other things, the implementation of the Convention on the Rights of the Child, the girl child, the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography, protection of children affected by armed conflict, protection of refugee and internally displaced children, progressive elimination of child labour, the protection of children working and/or living on the street, the promotion and protection of the rights of children alleged to have or recognized as having infringed penal law, the promotion of the rights of children with disabilities, the promotion of children's right to health and the promotion of the right of the child to education. The Commission on Human Rights also adopted a resolution (1999/43) on the abduction of children from northern Uganda.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

31. The chairpersons of the human rights treaty bodies held their tenth periodic meeting from 15 to 19 September 1998 at the United Nations Office at Geneva, where they discussed issues relating to the effective implementation of international human rights instruments and the improvement of the operation of the relevant human rights treaty bodies. The report of their tenth meeting containing their suggestions and recommendations was submitted to the General Assembly at its fifty-third session (A/53/432, annex).

32. At its fifty-third session the General Assembly adopted resolution 53/138 of 9 December 1998 in which it, inter alia, welcomed the submission of the report of the persons chairing the human rights treaty bodies on their ninth and tenth meetings and took note of their conclusions and recommendations; welcomed the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system and of the report of the Secretary-General containing the comments and observations of Governments, United Nations bodies, specialized agencies and non-governmental organizations; welcomed the continuing efforts by human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures; welcomed the initiative undertaken by the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue within the framework of their periodic meetings, and encouraged them to continue this practice in the future; encouraged the chairpersons to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies; welcomed the publication of the revised Manual on Human Rights Reporting; recalled, with regard to the election of the members of the human rights treaty bodies, the importance of giving

consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members should be elected and should serve in their personal capacity and should be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encouraged States parties, individually and through meetings of States parties, to consider how to give better effect to those principles; took note of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and of other work being done by the Secretary-General on this subject; welcomed the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and, in that context, took note of the recommendation made at their tenth meeting that the treaty bodies should take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat (HRI/MC/1998/6); requested the Secretary-General to provide adequate resources in respect of each human rights treaty body; and in that connection called upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information without diverting resources from the development programmes and activities of the United Nations.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

33. The Convention, which was adopted by the General Assembly in 1990, will enter into force when 20 States have ratified or acceded to it. As at 1 June 1999, 11 States (Azerbaijan, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Mexico, Morocco, the Philippines, Seychelles, Sri Lanka and Uganda) had ratified or acceded to the Convention and three States (Bangladesh, Chile and Turkey) had signed it.

34. In its resolution 53/137 of 9 December 1998, the General Assembly inter alia called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

35. The Commission on Human Rights, at its fifty-fifth session, adopted a similar resolution (1999/45) on 27 April 1999.